

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of

James A. SATCHELL, Jr. et al

Serial No.: 09/686,626

Filed: October 12, 2000

For: VENDING MACHINE AND COMPUTER ASSEMBLY

DECLARATION OF JAMES A. SATCHELL, JR. UNDER 37 C.F.R. §1.131

1. I, James A. Satchell, Jr., am one of the co-inventors of the above-identified application and am familiar with the application and the prosecution history thereof, including the Office Action mailed May 20, 2004;

2. I understand from paragraph 3 (on page 6 of the Office Action mailed May 20, 2004) that the Examiner has accepted the Supplemental Declaration by Dora Stroud as a showing of conception prior to the filing date of the Sokal reference applied in a rejection of the claims of the presently pending application:

3. It is also my understanding from paragraph 4 (on page 6 of the Office Action mailed May 20, 2004) that the Examiner has stated that diligence has not been shown for the time period from just prior to the filing date of October 10, 1995, of the Sokal reference to the March 19, 1996, rejection in the parent application serial number 08/429,583:

4. The Examiner has accepted diligence from the rejection of March 19, 1996, until the filing of the parent application serial number 08/715,232;

5. Accordingly, I am filing this Declaration in connection with the entire period from just prior to the filing date of October 10, 1995, of the Sokal reference to March 19, 1996, accounting for the time by either affirmative acts or acceptable excuses to overcome the Sokal patent as a reference;

6. That just prior to October 10, 1995, I was working on the concept of a vending machine, such as a drink or soda machine, that would, via the internet and the world wide web, bring the vending machine into the entertainment world.

7. At about that time, the concept of the internet with a worldwide web, e.g., websites, was just emerging and my invention was the first to propose the use of a vending machine as a doorway for the public to reach websites, via the internet, on the worldwide web.

8. As evidence of such work, I attach as Exhibit A to this Declaration a copy of a submission I made to the Coca Cola Company, together with an additional drawing, a copy of my parent application 08/429,583 and additional written description.

9. That immediately prior and subsequent to the date of October 10, 1995, I was resident in Tuskegee, Alabama, upon which Hurricane Opal descended, which caused an electrical black-out

in and around my residence of Tuskegee, Alabama; the power was out from Thursday, October 5th, with power being restored on Wednesday, October 18, 1995. Attached as **Exhibit B** is a copy printed by me from the internet on June 8, 2004, on the report on Hurricane Opal which made landfall on the Tuskegee area Wednesday, October 4, 1995;

10. From Friday, October 20 through Wednesday, November 8, 1995, I worked on resubmission of my application papers in the aforementioned parent patent application 08/429,583, which submission was to become the document date-stamped by the United States Patent and Trademark Office on December 26, 1995 (unless otherwise stated forth herein, every Sunday during the relevant time period was a worship day, as I am a minister in my church);

11. A declaration of my wife, Mrs. Patricia C.A. Satchell, is attached hereto confirming my preparation of the documents which subsequently became date-stamped on December 26, 1995, by the United States Patent and Trademark Office, who saw me prepare the text of these papers and assisted me by typing the documents, is submitted herein as **Exhibit C**.

12. I mailed this document to the United States Patent and Trademark Office on November 8, 1995, which subsequently received and date-stamped the document on December 26, 1995;

13. On November 1, 1995, the United States Patent and Trademark Office also mailed to me a foreign filing license (**Exhibit D**) and as evidence thereof, I executed **Exhibit E** dated

November 8, 1995, which uses the term "on-line" billboard to describe vending machine doors, as well as my *pro se* attempt at drafting patent claims on November 4, 1995 (Exhibit F). I continued my study of the continuing evolution of the internet on November 9-11, including study of a bill in Congress, H.R. 1506 and study on vending equipment networking.

14. In order to bring my invention into an actual reduction to practice, i.e., network vending machines via the internet, I began construction of a "host office" and further reference herein to host office means that part of the invention.

15. The next week, November 13th and 17th, I worked for eight hours on November 13th and November 17th and, additionally, received a November 9, 1995, letter (Exhibit G) from the Coca Cola Company in response to my September 18, 1995, letter. I spoke with Coca Cola's patent administrator, Kathy Driscoll, which started my search interest in several sources of other alleged internet/worldwide web vending machine patents. Saturday, November 18, 1995, was a family day, as was the following week, Thursday, November 23-25, which was Thanksgiving weekend;

16. On Monday, November 20th and 21st, I worked eight hours each day at the host office and on Wednesday, November 22nd, I had fourteen hours of travel to West Palm Beach, Florida, for the aforementioned Thanksgiving weekend, which was a family-long weekend in Florida and fourteen hours travel back to my residence on Sunday, November 26, 1995.

17. On Monday, November 27, 1995, I worked eight hours at the host office and for the last three days of the month, Tuesday, November 28-Thursday, November 30, I did research on Coca Cola patents, locating U.S. Patent 4,412,292, and continued my search for other patents in connection with my invention. On Friday and Saturday, December 1st and 2nd, 1995, I worked on animation (disclosure not revealed) in connection with my invention and continued my study of H.R. 1506;

18. On Monday, December 4, 1995, through Thursday, December 7, 1995, I conducted a research and development trip to the World of Coca Cola (Exhibit H). return from trip and several telephone conversations with Ms. Kathy Driscoll, the patent administrator of the Coca Cola Company, several times during this week. On Friday, I worked eight hours at the host office. On Saturday, December 9, 1995, I continued work on a soda-internet island.

19. Additionally, in the time period beginning December 4th, I began a search for an attorney to assist me in the prosecution of my invention before the United States Patent and Trademark Office and continued the search each week of December 4th, December 11th, December 18th, and again December 26th, 1995. In this time frame, I talked with several attorneys in Alabama, but none was able to assist me in connection with prosecution of my application in front of the United States Patent and Trademark Office.

20. On Saturday, December 18, 1995, I worked on animation (not disclosed) and continued my research and development study of H.R. 1506.

21. During the week of December 18th to December 22nd, 1995, I designed what was later to be known as VendoNet, Inc. (the assignee of the present application) for a networking solution, including the concept of cable, satellite and phone line connections for implementing the present invention.

22. On Saturday, December 23rd, I continued work on the vending/internet entrance door for the invention.

23. Sunday, December 24th, as well as Monday, December 25th (and the following Sunday and Monday (December 31st and January 1st were worship days and national holidays).

24. From Tuesday, December 26th to Friday, December 29th, 1995, I continued working on VendoNet's networking solution, including work on animation (disclosure secret) in connection with the invention.

25. Additionally, for two hours on each of those days, I worked at the host office building and continued my study of the changing internet as reported in the article Mix Plus (Exhibit I).

26. On Saturday, December 30th, I studied the following hardware in connection with implementing the invention:

- (A) cable;
- (B) satellites; and

(C) phone/modem.

27. Monday, January 1, 1996 (New Years Day) starts a twelve day church revival continuing through Friday, January 12, 1996. On Saturday, January 13th, I made a payment for speaker/modules used in R&D tests.

28. On Monday, January 15, 1996, I began a new job, which was full time, eight hours per day, 40 hour week, at Conner Bros. Construction Company, Inc. and attach as Exhibit J my paystubs and, as Exhibit K, statement of Denise Shields, Payroll Administrator, for Conner Bros. Construction Company, which full-time job continued through July 30, 1997.

29. However, despite working a full-time job, I continued to work on the invention and on Saturday, January 20, 1996, spend eight hours working on the host office.

30. The week of January 22-January 26th, continued the Coke patent searching, as well as spending three hours per day working on the host office.

31. On Saturday, January 27, 1996, I continued research on H.R. 1506.

32. During the week of January 29-31st, I continued my Coke patent searching, as well as spending three hours per day on the host office in addition to my full-time, eight hour per day, new job.

33. On Thursday and Friday, February 1st and 2nd, I spend two hours each day (in addition to my full-time job) in working on a logo company name and slogans in connection with anticipated use of the invention.

34. On Saturday, February 3rd, I spend eight hours working at the host office and during the week of February 5th-10th, continued my research and development on the remote monitoring of vending machines, including study of the Coca Cola Company's old patent 4,412,292.

35. During the week of February 12th - 16th, I continued my research and development on Monday in connection with the internet/www evolution. On Tuesday I studied the military use of the internet evolution. On Thursday, I spent time studying for the commercial online service use of the internet changing and on Friday, the mass of individual networking use of the internet evolution.

36. During the week of February 19th - 23rd, I continued my research and development on the PC/Computing Online Services versus the web which discussed abandonment of the original "business model" to "expand the features and improve the usability of their client's software" now changing from online service/internet to internet/worldwide web.

37. On Saturday, February 24th, I continued my research and development as to H.R. 1506.

38. During the last four days of February (26th - 29th), 1996, I continued research and development on an article from PC/Computing (online service versus the web), as well as working two hours each day on the host local office site.

39. On Friday, March 1, 1996, I concluded my research and development of online services/internet, which is different than internet/worldwide web and on Saturday, March 2, 1996, made a change to my drawing (Exhibit L).

40. On Monday, March 4th, I worked two hours on graphics in connection with the proposed company name, logos and slogans.

41. On Tuesday, March 5 through Friday, March 8th, 1996, I continued work on selector buttons that could be pressed by customer to view, pay, to buy product, manufactured directly by me as well as spending two hours each day working on the host office and eight hours on Saturday, March 9, 1996, working on the host office.

42. During the week of March 11th - 15th, I worked two hours each day working on the host office, as well as continuing my search for more Coke patents and on Saturday, March 16th, continued research on H.R. 1506.

43. Lastly, on March 18th, 1996, I spent two hours working on the host office, as well as sketchbook drawings which is attached as Exhibit M.

44. The foregoing outlines my diligence for the entire period between October 10, 1995 to March 19, 1996, in connection with the continued development of my invention in order to bring it to an actual or constructive reduction to practice.

Further, declarant sayeth not.

I, as undersigned co-inventor, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or of any reissue patent to issue thereon.

08/10/04
Date

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